

whose decision shall be at its sole and absolute discretion, shall grant or deny the appeal at its next regularly scheduled meeting.

(J) *Penalty.*

(1) Any person violating any of the provisions of this section shall be subject to an ordinance violation fee as follows:

(a) \$250 for the first offense; and

(b) \$500 for the second and each subsequent offense.

(2) Each day's continued violation shall constitute a separate offense.

(BC Ord. 2014-16, passed 6-9-14)

CHAPTER 111: PRECIOUS METALS DEALERS

Section

- 111.01 Definitions
- 111.02 License required; fees
- 111.03 License application requirements
- 111.04 Bond required
- 111.05 Purchasing regulations
- 111.06 Reporting requirements
- 111.07 Resale of articles purchased

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEALER. Any person who is engaged in the business of purchasing or offering, by advertisement or otherwise, to buy goods as part of their business enterprise.

ITINERANT DEALER. Any dealer as defined herein who has engaged or intends to engage in a temporary or transient business for profit conducted from a shop, room, hotel or

motel room, or other premises for a time period of less than one year.

RESIDENT DEALER. Any dealer as defined herein who has engaged or intends to engage in a permanent business for profit conducted from a fixed location in the county, for a period of time of one year or more.

SECONDHAND PRECIOUS METALS AND GEMS. Any article, item, or goods, including coins, composed in whole or in part of gold, silver, platinum, diamonds, or other precious stones or metals, and which was previously used by any person for its manufactured purpose.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.02 LICENSE REQUIRED; FEES.

(A) No person shall act as a secondhand precious metal and gem dealer without first obtaining a license therefor, as provided within this chapter.

(B) There shall be an annual license fee of \$50 imposed upon resident dealers. Licenses for resident dealers will be dated as of January 1 and will expire on December 31 of each year. Fees for licenses for resident dealers issued after January 1 shall be prorated quarterly.

(C) There shall be a daily license fee of \$50 on the first day and \$25 per day thereafter imposed on itinerant dealers, up to a maximum annual fee of \$2,500.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.03 LICENSE APPLICATION REQUIREMENTS.

(A) A completed application form shall be submitted to the Sheriff's Department by the applicant at least five days prior to the issuance of the license.

(B) Each applicant for a license shall submit the following information on the application form:

- (1) The name of the applicant, including any previous names or aliases;
- (2) The name, local address, principal business address, physical description, and recent photograph of the individual who is applying for a license on behalf of the applicant,

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if the applicant is not an individual;

- (3) The local business address and principal business address of the applicant;
 - (4) If the applicant is a partnership, the names and addresses of the partners;
 - (5) If the applicant is a corporation, limited liability company, other recognized business entity recognized under the laws of the state or any other state or unincorporated association, the names and addresses of the Board of Directors, members, the registered agent and the principal officers;
 - (6) If the applicant is an individual, the applicant shall provide a recent photograph, a physical description, and a statement as to whether the applicant has been convicted of a crime, and if so, the nature of the offense and the punishment assessed therefor;
 - (7) The applicant, or the applicant's representative if the applicant is not an individual, shall allow himself to be fingerprinted and such fingerprints shall be made a part of the application. Failure to cooperate in the fingerprint procedure shall be cause for denial of the license;
 - (8) If the applicant has, within the last 18 months, as an owner, operator, partner, agent, or employee, been engaged in the purchase of precious metals or gems, the applicant shall provide the name and address of the entity with which he was associated. If the entity with which the applicant was associated conducted business in more than one location, the applicant shall provide the addresses of these locations.
- (C) If the applicant fails or refuses to provide information required in the application form, the failure or refusal shall be sufficient cause to deny the license.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.04 BOND REQUIRED.

- (A) No person shall be issued a license under this chapter, until such person has provided a bond payable to Warrick County in the amount of \$1,000.
- (B) Resident dealers may post a surety bond payable to Warrick County in the amount of \$1,000.
- (C) Nonresident dealers and itinerant dealers shall provide a cash bond of \$1,000 payable to Warrick County.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.05 PURCHASING REGULATIONS.

(A) A secondhand precious metal and gem dealer shall not buy goods from a minor (person under 18 years of age) without the written consent of a parent or guardian.

(B) A secondhand precious metal and gem dealer shall require picture identification from the seller prior to making payment to the seller. A state driver's license, state-issued I.D., United States passport or United States passport card shall be required.

(C) The secondhand precious metal and gem dealer shall, at the time of making the purchase, require the signature and right thumbprint of the seller on the purchase card maintained by the licensee. If the seller does not have a right thumb, any other existing finger may be used. However, a clear print must be obtained. A secondhand precious metal and gem dealer shall maintain the records required in this chapter for a period of one year.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.06 REPORTING REQUIREMENTS.

(A) A person or entity engaged in the business of secondhand precious metal and gem dealing shall report to the Sheriff's Department, by noon of the next business day, the following information:

(1) Name, address, date of birth, race, sex, and driver's license or state identification number of the person from whom the item is purchased;

(2) Date and time of the transaction;

(3) A full description of the item including brand name, model number, serial number, and engravings or markings.

(4) A separate report shall be made for each item purchased.

(B) The information required above shall be reported to the Sheriff's Department in a digital format provided by the Sheriff's Department. The items must be held at least five business days from the reporting date prior to offering the items for sale.

(C) The County Sheriff may, at any time, require the reporting to be done in an online format through a provider such as Leads Online. In the event the Sheriff elects to require reporting to be effected through Leads Online or other similar web-based service, all persons or entities engaged in the business of second hand precious metal and gem dealing shall comply

immediately upon receipt of written notice of such a requirement.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.07 RESALE OF ARTICLES PURCHASED.

Secondhand precious metals and gems purchased by a secondhand precious metal dealer and gem dealer shall not be resold or removed from the place of business of the secondhand precious metal and gem dealer for a period of five days after a copy of the purchase report has been delivered to the office of the Sheriffs Department.

(BC Ord. 2012-16, passed 4-9-12)

§ 111.99 PENALTY.

(A) Anyone or any entity found to be in violation of any provision of this chapter may be punished by a fine not exceeding \$2,500 for each individual violation of this section.

(B) In addition to any fine imposed, anyone or any entity found to have violated any provision of this chapter shall also be responsible for filing fees, court costs and any reasonable attorney fees incurred by the county in pursuing an ordinance violation cause under this chapter.

(C) The bond posted under § 110.04 may be ordered forfeited to the county by the court in which an action is brought for payment of any fines, costs or fees imposed by a court finding any violation of this chapter.

(BC Ord. 2012-16, passed 4-9-12)

TITLE XIII: PUBLIC SAFETY

Chapter

130. PRIVATE SEWAGE DISPOSAL SYSTEMS

131. ANIMALS

132. HEALTH AND SAFETY

133. OPEN BURNING

134. FOOD ESTABLISHMENTS

135. TATTOO PARLORS

**136. COLLECTION, DELIVERY AND PROCESSING OF SOLID
WASTE AND RECYCLABLES**

CHAPTER 130: PRIVATE SEWAGE DISPOSAL SYSTEMS

Section

130.01	Definitions
130.02	System regulations
130.03	Land requirement
130.04	Permits and inspections
130.05	Inspection and notice of violation
130.06	Rules and regulations
130.99	Penalty

§ 130.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMBINED SEWER. A sewer receiving both surface water run-off and sewage.

CONTIGUOUS. Any actual contact; touching; or within 300 feet, though not in actual contact. Further, **CONTIGUOUS** is intended to mean and include any and all adjacent lots and building sites regardless of present or future ownership.

COUNTY HEALTH OFFICER. The appointed health official and all other employees of the County Health Board designated by said Board to be an authorized representative.

PERSON. Any individual, partnership, copartnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

PRIVATE SEWAGE DISPOSAL SYSTEM. Individually or collectively those constructions or devices used for the collecting, pumping, treating, or disposing of sewage which

have been built, or are intended to be built, or are being maintained by any person.

PUBLIC SEWER. Any sewer constructed, installed, maintained, operated and owned by a municipality, or other unit in government, or taxing district. A sewer established or maintained for the purpose of carrying surface water run-off and subsoil drainage shall not be considered a public sewer under this definition.

RESIDENCE. Is meant to include any living facility for human habitation whether used for part time or full time purposes and includes without limitation all homes, mobile homes, cottages, permanently established travel trailers, permanent pads or other parking spaces.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. The water-carried waste derived from ordinary living process.

SEWAGE DISPOSAL SYSTEM. Any arrangement of devices and structures designated to, or used for, receiving, treating or disposing of sewage.

(BC Ord. 1985-15, passed 10-28-85)

§ 130.02 SYSTEM REGULATIONS.

(A) Where a public, sanitary or combined sewer is not available, all persons shall comply with the following provisions of this chapter for private sewage disposal systems.

(B) It shall be unlawful for any person to place, deposit or permit to be deposited any human excrement or sewage in a manner which does not comply with the provisions of this chapter or in any unsanitary manner upon public or private property within the county.

(C) At any business building situated within the county, where there is installed or to be installed a private sewage disposal system which is not connected to a public sewer system, and no public sewer system is contiguous, there shall be established or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E. 13 and as amended of the Indiana State Board of Health, which is herewith adopted by reference.

(D) Any privy situated within the county shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Any privy shall be located so as not to in any way allow contamination to enter into the surface or subsurface water of the county.

(E) (1) All private sewage disposal systems and privies shall be installed,

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constructed and maintained in an approved manner as described in Bulletin S.E. 11, S.E. 13 and 410 IAC 6-8 of the Indiana State Board of Health or amendments and supplements thereof and hereinafter adopted by said Board, which are herewith adopted by reference as part of this section.

(2) The installation of any other private residential sewage disposal systems not described in Indiana State Board of Health Bulletins may be approved by the Warrick County Health Officer after applicant has filed the requirements and plans and specifications of such device or system in the Health Office of the county.

(F) (1) Should any breakdown occur or defect exist in any private sewage disposal system or privy which would cause said disposal system to fail to meet the requirements of divisions (B), (C), (D), or (E) above, and/or in any way cause improperly treated sewage to escape from the property of the owner of said system, or in any way cause pollution to enter the waters of the county, the tiles or drains in the county or the tiles, the surface water, or subsurface water of any other private person within this county, the defects will be corrected immediately by the owner or agent of the owner, occupant, or agent of the occupant.

(2) Until such time as said defect is corrected, said system shall not be used for the reception of any further garbage or sewage until such defect is corrected and a certificate of said correction is issued by the County Health Officer.

(3) The County Health Officer upon discovery of any condition as set out above in this section, shall issue an immediate order to the owner and occupant of the land stopping or restricting the use of said sewage disposal system.

(4) Violation of this section shall be violation of this chapter and the violator shall be subject to the penalties described in § 130.99.

(G) Whenever an available public sewer, combined sewer or sanitary sewer approved by the Public Service Commission or the Indiana State Board of Health becomes contiguous and is within 300 feet of the building line of a residential or business property, served by a private sewage disposal system or privy, situated within the county, a direct connection shall be made to said sewer and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

(H) Whenever a new business building or subdivision is developed in an area where a public or sanitary sewer, or combined sewer is contiguous and available, a connection shall be made to said sewer.

(BC Ord. 1985-15, passed 10-28-85) Penalty, see § 130.99

§ 130.03 LAND REQUIREMENT.

(A) Areas which are rated severe for septic tank absorption fields by the U.S. Department of Agriculture Soil Conservation Service must have a minimum of two and one-half acres.

(B) Land areas which have been legally divided and recorded before June 24, 1975, may be less than two and one-half acres in size, but must have enough suitable land for a septic tank absorption field, which shall be determined by the County Health Officer, with any tests, plans and specifications, the Health Officer may require to be submitted before approval of the application.

(BC Ord. 1985-15, passed 10-28-85) Penalty, see § 130.99

§ 130.04 PERMITS AND INSPECTIONS.

(A) Before commencement of construction of any building or residence, or before location of a mobile home on a plot of ground where a private sewage disposal system or privy is to be installed, or where any alteration, repair, or addition to an existing private sewage disposal system is planned, the owner or agent shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by the County Board of Health, which application shall be supplemented by any plans, specifications and other information as is deemed necessary by the County Health Officer and a \$100 fee paid to the County Health Department at the time the application is filed.

(B) A private sewage disposal system or privy for which a permit has been issued shall not be used until the installation is completed to the satisfaction of the County Health Officer. He or his agent, shall be allowed to inspect the work during any state of construction; and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the County Health Officer.

(C) A private sewage disposal permit shall be effective for a period of two years from the date of issuance. A private sewage disposal system must be installed in compliance with this chapter before the residence which it serves can be occupied.

(D) No person shall install, construct, alter, repair or make any addition to a private sewage disposal system unless a permit from the County Health Officer has been first issued for

such work.

(E) All permits issued hereunder shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

(F) Should the County Health Officer, after examination of such application or construction find the same to be in conflict with any terms and provisions of this chapter, he shall, in writing addressed to the applicant, reject such application.

(G) (1) All applications for approval of any new subdivision or any part thereof shall be submitted directly to the County Board of Health for approval of the manner and method of the disposal of domestic and sanitary sewage where provision is not provided for connection to a public sewer or a combined sewer.

(2) If the Board does not approve said application, notice of the disapproval shall be transmitted within ten days after said disapproval to the applicant thereof and the County Area Plan Commission.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1991-16, passed 7-22-91; Am. BC Ord. 2013-19, passed 7-22-13) Penalty, see § 130.99

§ 130.05 INSPECTION AND NOTICE OF VIOLATION.

(A) The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at any reasonable daylight time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this chapter.

(B) Any person found to be in violation of any provision of this chapter may be served by the County Board of Health or the duly appointed Health Officer, with a written order stating the nature of the violation and providing a 30-day time limit for satisfactory correction thereof.

(C) After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in said order and within the time limit included therein. Said order shall be served on the owner or the owner and the occupant or on the agent of the owner but may be served on any person, who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

(D) When called upon by the owners of any private sewage disposal system to test

said system the County Department of Health and Animal Control shall charge a fee of \$50 for each dye test and a fee of \$10 for each water test requested. All funds received hereunder shall be deposited in the same manner and through the same accounts as other fees charged under the provisions of this chapter.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1989-14, passed 7-24-89; Am. BC Ord. 1991-16, passed 7-22-91)

§ 130.06 RULES AND REGULATIONS.

The County Health Board may adopt any reasonable rule or regulation in regard to the inspection, certification, enforcement, construction and design of private sewage disposal systems under this chapter which are not in conflict thereof. Any such rule shall be approved by the County Board of Commissioners and duly promulgated as is by law required.

(BC Ord. 1985-15, passed 10-28-85)

§ 130.99 PENALTY.

Any person found to be violating any provision of this chapter shall, upon conviction, be punished for the first offense by a fine of not more than \$500; and for the second offense or subsequent offense by a fine of not more than \$1,000. Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

(BC Ord. 1985-15, passed 10-28-85)

CHAPTER 131: ANIMALS

Section

General Provisions

- 131.01 Definitions
- 131.02 License requirements

Control and Care of Animals

- 131.15 Animals running at large
- 131.16 Vicious and annoying animals
- 131.17 Shelter requirements
- 131.18 Food, medical care, exercise to be provided
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- 131.35 Impoundment of pets
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- 131.50 Rabies vaccine required
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- 131.65 Humane Society
- 131.66 Funds deposited in County Health Fund
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GENERAL PROVISIONS

§ 131.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context

clearly indicates or requires a different meaning.

ADULT. An animal over six months of age.

ANIMAL. Any living, domestic creature, including fowl, mammals and reptiles, except human beings.

ANIMAL CONTROL OFFICER. The officer appointed by the County Health Officer to enforce this chapter. The term shall also refer to the above mentioned officer's deputies, assistants and County Sheriff's deputies.

DOMESTIC ANIMAL. Any tame animal associated with family life or accustomed to life in or near the habitation of man or such as to contribute to the support of a family.

KENNEL. A facility maintained in a single location utilized for breeding, boarding, training or sale of dogs.

MAJOR KENNEL. A kennel consisting of 15 or more dogs.

MINOR KENNEL. A kennel consisting of less than 15 dogs.

OWNER. Any person, partnership or corporation owning, keeping or harboring animals.
(BC Ord. 1992-2, passed 2-10-92)

§ 131.02 LICENSE REQUIREMENTS.

- (A) All dogs in the county over six months of age shall be licensed.
- (B) Applications for dog licenses shall be made at the office of the applicant's Township Tax Assessor's Office and shall state the name and address of the owner of the dog, the dog's breed, name, color, sex, and age, and be accompanied by a certificate of rabies vaccination by a licensed veterinarian within the immediately preceding 12 months.
- (C) The dog license issued herein shall be valid for a period starting with the first day of May and ending with the last day of April next succeeding.
- (D) Owners of dogs shall license said dog on or before May 1 of each calendar year or within 30 days after obtaining such dog or if moving into the county and owning the dog, within 30 days after moving into the county.
- (E) The following are the license fees required by the State of Indiana and readopted herein by the terms of this chapter:

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- (1) For each neutered dog \$ 2
- (2) For each non-neutered dog \$ 4
- (3) For each dog license in addition to one dog \$ 6
- (4) Major kennel \$30
- (5) Minor kennel \$20

(F) Upon the issuance of a dog license, a durable license tag shall be issued. Such tag shall be immediately attached on a collar on the dog and be maintained on said collar on the dog at all times. No person other than the owner of the dog, his agent or the animal control officer, or his agents, may remove such tag.

(G) Failure to license a dog as provided in this chapter shall subject the unlicensed dog to impoundment as provided for in this chapter.

(H) No person shall own or harbor any adult dog in the county that does not at all times wear a collar with the proper dog license attached thereto.

(BC Ord. 1992-2, passed 2-10-92)

CONTROL AND CARE OF ANIMALS

§ 131.15 ANIMALS RUNNING AT LARGE.

(A) No owner or custodian of any dog shall allow said dog to stray beyond his property or premises unless the dog is maintained on a leash or is engaged in lawful hunting accompanied by the owner or custodian.

(B) No owner or custodian of any animal, except for a dog which is hereinabove provided, shall allow said animal to stray beyond his property or premises unless the animal is under the reasonable control of some person.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.16 VICIOUS AND ANNOYING ANIMALS.

(A) No person shall own, keep, possess or harbor any animal that is vicious. An

animal shall be deemed vicious if such animal:

- (1) Bites or attacks any person or animal;
- (2) Engages in fighting with other animals; or
- (3) Destroys property belonging to any person other than the owner of the animal.

(B) No person shall own, keep, possess or harbor any dog, or other animal, which by loud and frequent, howling, or other noise causes annoyance or disturbance to any person.

(C) Upon determination by the Animal Control Officer that an animal is vicious or annoying, such dog or other animal shall be impounded by the Animal Control Officer. Upon impounding the animal, the Animal Control Officer shall petition a court of competent jurisdiction in the county for an order to destroy the animal. Notice of the application and hearing shall be given to the owner of the animal, if known. Upon finding that the animal is vicious or habitually annoying, the court may order the animal to be subjected to a form of humane euthanasia. In the event that the court finds that the animal is not vicious or annoying, as the case may be, the court shall order the animal returned to the lawful owner. No charge shall be made against the lawful owner of said animal for maintenance of the same during the court proceedings herein provided. Provided however, the Animal Control Officer shall require the animal, if the same is governed by licensure and rabies vaccination laws, to be properly licensed and vaccinated prior to release. In the event that the owner shall fail or refuse to pay such charges for licensure and/or vaccination as herein provided, then the Animal Control Officer shall hold and dispose of said animal under the impoundment provisions of this chapter as hereinafter provided.

(D) It is unlawful for a person to knowingly or intentionally kill any domestic animal running at large on his property without the consent of the owner of the domestic animal, unless the person reasonably believes the conduct is necessary to:

- (1) Prevent injury to the person or another person;
 - (2) Protect the property of the person from destruction or substantial damage;
- or
- (3) Prevent a seriously injured vertebrate animal from prolonged suffering.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2016-10, passed 6-13-16) Penalty, see § 131.99

§ 131.17 SHELTER REQUIREMENTS.

(A) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.

(B) Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(C) Appropriate shelter for livestock as defined in division (A), shall consist of a windbreak and watershed to protect the animal or animals from weather conditions which would constitute a health hazard to the animals.

(D) All animals shall be kept in a sanitary manner. The owner of any animal shall maintain said animal areas or areas of animal contact so as to prevent odor or the maintenance of said animal in an unsanitary environment. Animal areas shall be kept free from accumulation of excrement, water and mud.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.18 FOOD, MEDICAL CARE, EXERCISE TO BE PROVIDED.

(A) *Food and water.* No owner of an animal shall fail to supply such animal with potable drinking water and adequate food that is nutritional for the age and species in adequate amounts to maintain good health. An emaciated condition of any animal, or an unnatural and excessive craving for food and drink shall be *prima facie* evidence of the failure to properly feed and/or water such animal as is required herein.

(B) *Medical care.* All animals shall be provided with reasonable necessary health care in addition to any required vaccinations.

(C) *Exercise.* No owner of an animal shall fail to supply such animal with adequate exercise. Domestic animals shall have a minimum open exercise area commensurate with their size as follows:

- (1) Dogs under 40 lbs. - 20 square feet;
- (2) Dogs over 40 lbs. - 30 square feet and
- (3) Cats - 12 square feet per animal in enclosure, with no more than five adult animals per enclosure.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.19 RESTRAINT, HITCHING OR TYING.

(A) Animals must be confined to the owner's real property and not permitted to run loose. While on the owner's real property, and not in the owner's direct personal control, animals must be secured without means of escape by leash or confined to a pen, fenced (either physical or electronic) enclosure, corral, cage, house or other secure enclosure. Provided however, in agriculturally zoned areas, cats may be allowed to run at large on the owners property when not in the owner's direct personal control.

(B) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that are tied, hitched, or fastened shall wear a properly fitted collar or harness other than a choker type collar. Provided, however, that this section does not prohibit the use of a choker collar in the training of animals or in the leading of the same.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.20 CRUELTY, ABANDONMENT.

(A) No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal, or cause, instigate, permit or promote combat between animals or fowl.

(B) No person shall abandon or cause to be abandoned any animal anywhere within the county.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.21 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.22 POISONOUS BAIT.

No person shall set out any kind of poisonous substance or bait with the intent to do any harm to any domestic animal.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.23 ANIMALS IN HEAT.

Every animal in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.24 KENNEL ENCLOSURES; INSPECTIONS.

(A) The primary enclosures for dogs and cats at kennels shall be constructed and maintained so as to provide sufficient space to allow each dog and/or cat to turn about freely and easily, stand, sit and lie in a comfortable normal position. Not more than five adult dogs or cats shall be housed in the same primary enclosure. All primary enclosures shall provide appropriate exercise floor space.

(B) The Animal Control Officer or any Health Department official shall have the right to inspect all kennels, pet shops, grooming shops, riding schools or stables at any time during normal business hours.

(BC Ord. 1992-2, passed 2-10-92)

IMPOUNDMENT

§ 131.35 IMPOUNDMENT OF PETS.

The Animal Control Officer upon reasonable belief that an animal commonly classified as a pet is not being provided with either adequate food, water, exercise, ventilation and/or

sanitary shelter, or is being cruelly treated, shall impound the animal and proceed as is provided in §§ 131.37 through 131.39 of this subchapter.

(BC Ord. 1992-2, passed 2-10-92)

§ 131.36 IMPOUNDMENT OF LIVESTOCK.

(A) The Animal Control Officer upon reasonable belief that an animal commonly classified as livestock is not being provided adequate food, water, exercise, ventilation, and/or shelter, or is being cruelly treated, shall take possession and control of the animal.

(B) The owner of the livestock impounded hereunder shall have the right to petition a court of general jurisdiction in the county, for a determination as to whether or not probable cause exists as to whether said livestock has not been provided adequate food, water, exercise, ventilation and/or shelter, or is being cruelly treated. If the court determines that probable cause does not exist, the court shall order the livestock returned to its owner without charge to the owner for maintenance of said livestock after impoundment and during court proceedings. If the court determines that probable cause does exist, said livestock shall be adopted, rescued, or otherwise disposed of by the Department of Health and/or Animal Control Officer.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2016-10, passed 6-13-16)

§ 131.37 RECORDS; NOTICE OF IMPOUNDMENT.

(A) Immediately after impounding any animal in violation of the provisions of this chapter, it shall be the duty of the Animal Control Officer to enter upon the records of the animal control facility, in a book to be kept by the Animal Control Officer for such purposes, the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been licensed and tagged as required by the licensing procedure in § 131.02.

(B) Public notice of the impounding of all animals shall be given by posting one copy of such notice at the animal control facility. Any such animal not redeemed by the owner thereof within six days after the posting of such notice shall be subject to adoption or rescue.

(BC Ord. 1992-2, passed 2-10-92; Am. BC 2016-10, passed 6-13-16)

§ 131.38 REDEMPTION OF ANIMAL.

The owner of any dog or cat impounded may redeem the same by meeting the following requirements:

- (A) Paying the sum of \$10 for each day said dog or cat has been impounded up to the time of making redemption.
- (B) Purchasing a license as provided in § 131.02, if one is needed.
- (C) Paying to have the dog vaccinated for rabies if vaccination is needed.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03)

§ 131.39 ADOPTION OR EUTHANASIA OF UNCLAIMED ANIMALS.

(A) Any licensed or unlicensed dog not reclaimed by its owner within six days of the posting of impoundment, shall be eligible for either adoption or euthanasia, whichever in the discretion of the Department of Health is necessary to carry out the intent of this chapter.

(B) Adoption of an unclaimed animal from the Department of Health requires:

(1) The adopting party to license the animal as provided in § 131.02 of this chapter;

(2) The adopting party to pay for a rabies vaccination of said animal, if the animal is one requiring rabies vaccination under the laws of the State of Indiana or by this chapter;

(3) By paying a fee of \$10 for any dog six months of age or older or a fee of \$5 for any pup under the age of six months. The Animal Control Officer shall be charged with the responsibility of determining the age of the adopted animal.

(4) In the event the animal to be adopted has not been neutered, neutering shall be completed, prior to the finalization of the adoption. The person seeking adoption shall make arrangements with a licensed veterinarian in the county, to perform the necessary surgery to neuter the animal. A representative of the Department of Health shall deliver the animal to the veterinarian's office for such surgery. The person seeking adoption may pay the appropriate charges of the veterinarian, and pick up the animal from the veterinarian.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03)

RABIES CONTROL

§ 131.50 RABIES VACCINE REQUIRED.

(A) No owner or custodian of any dog or cat three months or older shall keep the dog or cat within the county, unless such dog or cat shall have been immunized by a licensed veterinarian with a rabies vaccine of a type approved by the State Board of Health and the County Board of Health. In accordance with state law, one-year and three-year vaccines may be used according to approved label directions.

(B) In no case shall more than the period prescribed on the vaccine label (one year or three years) lapse between each rabies vaccination.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03) Penalty, see § 131.99

§ 131.51 KNOWLEDGE OF RABIES OR ANIMAL BITE TO BE REPORTED TO OFFICIALS.

(A) Any person who has knowledge or a reasonable belief that an animal is afflicted with rabies shall immediately convey this information to either the Animal Control Officer, the Sheriff's Department or the County Health Officer.

(B) Whenever an animal bites a person, or another animal, the owner of the animal shall immediately notify the Animal Control Officer.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

§ 131.52 BITE REPORTS.

(A) Following receipt of a bite report, the Animal Control Officer shall determine if the animal involved has been properly inoculated with a rabies vaccine. No person shall interfere with the exercise of this duty.

(B) Upon reporting the bite to the Animal Control Officer, the owner or custodian of the animal shall surrender the animal to the Animal Control Officer for quarantine.

(C) An owner or custodian of an animal who refuses to surrender the animal to the Animal Control Officer, following a request to do so, violates this chapter.

(D) Upon receipt of a bite report, the Animal Control Officer may enter upon private

property, excluding closed buildings, when he has reasonable grounds to believe that a biting animal is located on the property.

(E) Upon taking possession of the biting animal, the Animal Control Officer shall order the animal held in quarantine for a period of ten days. In the absence of evidence of rabies immunization, the animal shall be held in quarantine either at the Animal Control Facility or a licensed veterinary facility. If the Animal Control Officer determines that the animal involved has been properly inoculated with a rabies vaccine, the animal may, at the discretion of the Animal Control Officer, be quarantined in the home of the owner or other responsible person if the owner or custodian of the animal agrees in writing to comply with all of the provisions of the home quarantine guidelines of the Animal Control Officer.

(1) The County Health Officer, or Animal Control Officer, shall appoint a licensed veterinarian who shall examine the animal immediately after it has bitten anyone, and again at the end of the ten days quarantine period. The owner of the biting animal shall be responsible for the costs incurred in examining the animal, and a boarding fee of \$12 per day, which costs shall be paid prior to the release of the animal at the end of the quarantine period. If the animal is quarantined at a veterinary facility of the owner's choice, the owner shall be solely responsible for the costs and care of that animal in that facility.

(2) If at the end of the ten-day period the veterinarian is convinced that the animal is free from rabies, it shall then be released from quarantine contingent upon the following:

- (a) Compliance with the requirements set forth in § 131.02, license requirements.
- (b) Compliance with the requirements of payment set forth in § 131.38, impoundment.
- (c) Compliance with the requirements of inoculation set forth in this section.
- (d) Payment of veterinary expenses for examination during quarantine.

(3) If the animal dies during the period of quarantine, its head shall be sent to the State Department of Health for examination. Any costs incurred by the county connected with this examination shall be the responsibility of the owner of the animal and paid upon notice thereof.

(4) No animal, during its period of quarantine, shall be destroyed or otherwise disposed of without the express permission of the County Health Officer.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03) Penalty, see § 131.99

ADMINISTRATION

§ 131.65 HUMANE SOCIETY.

(A) Warrick Humane Society, Inc. is hereby designated as the humane society located in the county entitling the Warrick Humane Society, Inc. to receive \$.50 from each dog tax payment collected under I.C. 15-5-9.

(B) All funds disbursed to Warrick Humane Society, Inc., by virtue of this section shall be used by Warrick Humane Society, Inc. to maintain an animal shelter.

(BC Ord. 1990-23, passed 8-27-90)

§ 131.66 FUNDS DEPOSITED IN COUNTY HEALTH FUND.

All funds collected by the County Dog Pound shall be deposited in the County Health Fund.

(BC Ord. 1992-2, passed 2-10-92)

Cross-reference:

Funds, see Ch. 37

§ 131.67 RULES AND REGULATIONS FOR ANIMAL CONTROL FACILITY.

(A) The Health Board is authorized to expend annually in the construction, maintenance and supervision of the county animal control facility, and in the payment of salaries and expenses incurred in the administration of this chapter, or so much as may be necessary, from the sums which may hereafter annually be appropriated for such purpose.

(B) The administration of the animal control facility and all employees thereof, and those engaged in its maintenance, shall be under the jurisdiction of the Health Board and the Health Officer, which department and officer are authorized to enforce the rules and regulations adopted by it for the administration thereof, and to adopt such rules and regulations necessary in the discretion of the Health Board for the accomplishment of the intent and purposes of this

chapter.

(BC Ord. 1992-2, passed 2-10-92)

§ 131.68 VIOLATIONS.

The Animal Control Officer, or the Sanitarian, may issue a written summons to persons believed to be in violation of this chapter setting forth the nature of the offense, and the date and time of the initial court appearance on the uniform citation form to be prepared by the Department of Health. A person so issued a uniform citation may be permitted to appear before the superior court, confess judgment, and pay the filing costs without an appearance before a regular session of the court, if desired.

(BC Ord. 1992-2, passed 2-10-92)

§ 131.99 PENALTY.

(A) The Board of Health, or its designees, shall have the authority to set a reasonable fine for any violation of this chapter. A copy of the current fee schedule shall be posted at the animal control facility at all times.

(B) Notwithstanding the above, the penalty for a first offense of violation of this chapter shall be a fine not to exceed \$100.

(C) Notwithstanding the above, the penalty for any subsequent violation of this chapter shall be a fine not to exceed \$500.

(BC Ord. 1992-2, passed 2-10-92; Am. BC 2016-10, passed 6-13-16)

CHAPTER 132: HEALTH AND SAFETY

Section

- 132.01 Fee for flu shots
- 132.02 Fee for TB testing
- 132.03 Fee for pneumonia inoculation
- 132.04 Fee for vaccine administration

Warrick County, IN Code of Ordinances

- 132.05 Fee for privately purchased immunizations
- 132.06 Physician, abortion provider, hospital; requirement for admitting privileges
- 132.07 Fee for pregnancy testing

§ 132.01 FEE FOR FLU SHOTS.

(A) There shall be a fee charged and collected for the service of influenza inoculation provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each flu shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists.

(BC Ord. 1994-14, passed 6-27-94; Am. BC Ord. 2000-5, passed 2-28-00)

§ 132.02 FEE FOR TB TESTING.

(A) There shall be a fee charged and collected for the service of Mantoux (TB) provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for Mantoux (TB) testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Public Health Nurse may give TB certification class to any interested party. The cost of the certification shall be \$15, \$5 of which is required to be paid to the American Lung Association.

(D) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(E) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists.

(BC Ord. 1994-15, passed 6-27-94; Am. BC Ord. 1997-14, passed 9-8-97; Am. BC Ord. 2003-04, passed 2-19-03)

§ 132.03 FEE FOR PNEUMONIA INOCULATION.

(A) There shall be a fee charged and collected for the service of pneumonia inoculation provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each pneumonia shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependents behalf;

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the local Health Maintenance Fund to be used for the purposes for which the fund exists.

(BC Ord. 2003-03, passed 2-19-03)

§ 132.04 FEE FOR VACCINE ADMINISTRATION.

(A) There shall be a fee charged and collected for the service of vaccine administration provided by the County Department of Health and Animal Control (hereinafter

Department) as set out in division (B) unless the fee is waived under division (C).

(B) The fee for vaccine administration shall be \$5 per individual vaccinated.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, that the person does not have the ability to pay the fee for the person or dependent.

(D) The fee imposed by division (B) shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.

(BC Ord. 2004-15, passed 11-17-04; Am. BC Ord. 2012-28, passed 9-10-12)

§ 132.05 FEE FOR PRIVATELY PURCHASED IMMUNIZATIONS.

(A) There shall be a fee charged and collected for the service of providing privately purchased immunizations provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each immunization shall be the actual cost of the immunization plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists.

(BC Ord. 2005-12, passed 6-15-05)

§ 132.06 PHYSICIAN, ABORTION PROVIDER, HOSPITAL; REQUIREMENT FOR

ADMITTING PRIVILEGES.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PHYSICIAN. As defined in I.C. 16-18-2-282.

ABORTION PROVIDER. A physician which performs abortions.

HOSPITAL. As defined in I.C. 16-18-2-179(b).

(B) An abortion provider may not perform an abortion in the county unless the physician has admitting privileges at a hospital located:

- (1) In the county; or
- (2) In an Indiana county adjacent to this county.

(C) An abortion provider who performs an abortion in the county shall notify the patient of the location of the hospital at which the physician has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.

(D) No hospital within the county shall allow an abortion to be performed within its facility unless the procedure is performed by a physician who has admitting privileges at said hospital or a hospital in an Indiana county adjacent to this county.

(BC Ord. 2011-04, passed 2-14-11)

§ 132.07 FEE FOR PREGNANCY TESTING.

(A) There shall be a fee charged and collected for the service of pregnancy testing provided by the County Department of Health and Animal Control (hereinafter Department) as set out in division (B) unless the fee is waived under division (C).

(B) The fee for pregnancy testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where the person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay

the fee for the person or a dependent.

(D) The fee imposed by division (B) above shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.

(BC Ord. 2012-28, passed 9-10-12)

CHAPTER 133: OPEN BURNING

Section

133.01	Definitions
133.02	Allowance of open burning by state law
133.03	Open burning prohibited
133.04	Exceptions
133.05	General requirements
133.06	Enforcement
133.99	Penalty

§ 133.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY. All unincorporated areas of Warrick County, Indiana.

OPEN BURN. The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

PERSON. Any individual, firm, partnership, corporation, association, society or other entity.

WOOD PRODUCTS. Material consisting of, or wholly derived from, wood or vegetation.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.02 ALLOWANCE OF OPEN BURNING BY STATE LAW.

I.C. 13-17-9 and 326 IAC 4-1-3, as amended from time to time, allow various types of open burning, and this chapter supplements, but does not replace, the state statutes and state regulations on open burning.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.03 OPEN BURNING PROHIBITED.

(A) No person may openly burn in the county, except as allowed by this chapter or otherwise allowed by state law or regulation.

(B) After giving all notice required by state law, the Board of Commissioners may act to protect the public safety and welfare by declaring an open burn emergency.

(1) The declaration of open burn emergency may contain an expiration date or be continued until revoked by the Board.

(2) The restrictions imposed by the emergency may be limited to specific portions of the county, or may be limited to particular times of the day.

(3) Subject to Indiana and federal law, no person shall set, start, or attempt to set or start, an open burn within the county during the duration of a declared emergency, unless a permit has first been obtained from a local fire department within the county, and the permit is within the possession of the person or entity attempting to set or start such open burn.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.04 EXCEPTIONS.

(A) Open burning of wood products, except for leaves, shall be allowed for the following:

- (1) School pep rallies;
- (2) Fires used for cooking purposes;

- (3) Fires used in scouting activities;
- (4) Any allowed open burning of wood products as provided for by state law and state regulation; and
- (5) Upon permit from a local fire department within the county.

(B) Except as allowed by state law and regulation, open burning of non-wood products shall be allowed pursuant to a permit issued by the Indiana Air Pollution Control Board, the Indiana Department of Environmental Management, and a permit by the Board of Commissioners.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.05 GENERAL REQUIREMENTS.

All allowable open burning shall conform to this section, unless exempted by the Board of Commissioners, state law or federal law:

- (A) A person who open burns any material shall extinguish the fire if it creates a nuisance or fire hazard.
- (B) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.
- (C) All fires must be attended at all times during burning until completely extinguished.
- (D) All asbestos-containing materials must be removed before the burning of a structure.
- (E) Asbestos-containing materials may not be burned.
- (F) All burning must comply with state and federal laws.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

§ 133.06 ENFORCEMENT.

The county may bring an action for an injunction, as prescribed by state law, to obtain an order restraining or enjoining continuing violations of this chapter.

(BC Ord. 2008-10, passed 12-17-08)

§ 133.99 PENALTY.

(A) Any person who violates any provision of this order shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

- (1) First offense in a calendar year: \$50;
- (2) Second offense in a calendar year: \$100; and
- (3) Third offense in a calendar year: \$150.

(B) Each day that a violation occurs constitutes a separate offense.

(BC Ord. 2008-10, passed 12-17-08)

CHAPTER 134: FOOD ESTABLISHMENTS

Section

- | | |
|--------|---|
| 134.01 | Definitions |
| 134.02 | Permits and permit fees |
| 134.03 | Minimum sanitation requirements for food establishments |
| 134.04 | Inspection of food establishments |
| 134.05 | Disease control |
| 134.06 | Approval of plans |
| 134.99 | Penalty |

§ 134.01 DEFINITIONS.

(A) The definitions as stated in the Indiana State Board of Health Regulations 410 IAC 7-15.1 (Food Service Sanitation Requirements), 410 IAC 7-16.1 (Retail Food Store Sanitation Requirements), and HFD 21 (Vending of Foods and Beverages) shall be used to enforce the Food Establishment Ordinance. At least two copies of the Indiana State Board of Health Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, shall be on file in the County

Auditor's office.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **COUNTY.** Those rural and urban areas which are under the jurisdiction of the County Health Officer.

(2) **FOOD ESTABLISHMENTS.** Any establishment serving food, beverages, retail food markets, and vending machines for potentially hazardous food and beverages. The term **FOOD ESTABLISHMENTS** shall include mobile food establishments for purposes of § 134.03 et seq.

(3) **HEALTH OFFICER.** The Warrick County Health Officer or his duly authorized representative.

(4) **MOBILE FOOD ESTABLISHMENT.** A retail food establishment that is:

- (a) Wheeled;
- (b) On skids;
- (c) Mounted on a vehicle;
- (d) A marine vessel; or
- (e) Otherwise readily movable; such as a pushcart or trailer.

(5) **VENDING MACHINE UNIT.** One or more vending machines for potentially hazardous foods and beverages which are located in the same group.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86; Am. BC Ord. 2013-19, passed 7-22-13)

§ 134.02 PERMITS AND PERMIT FEES.

(A) *Permits.*

(1) It shall be unlawful for any person to operate a food establishment in the county, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such permit. The permit shall be for a term of one year beginning on January 1 and expiring

December 31 of the same year and shall be renewed annually.

(2) A separate permit shall be required for each food establishment operated or to be operated by any person. A permit issued under this chapter is not transferable from person to person or location to location. A separate permit is required for each vending machine unit.

(3) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *Permit fees.* A fee of \$75 for each permit shall be required for each food establishment with five or fewer employees. A fee of \$100 for each permit shall be required for each food establishment with six through 25 employees. A fee of \$125 for each permit shall be required for each for establishment with 26 through 50 employees. A fee of \$150 for each permit shall be required for each food establishment with 51 or more employees. A late fee of \$50 will be applied after March 1 in the year the fee was due if unpaid by the fee due date identified. A minimum of \$75 per year shall be paid for a permit for the first 12 vending machines of potentially hazardous foods operated as a unit by any one person or company. An additional fee of \$10 shall be paid for each such vending machine over 12 in each vending unit. All permits shall be collected by the Health Officer and shall become a part of the County Health Fund. A fee of \$75 for each permit shall be required for each mobile food establishment After June 30, the required fee for each mobile food service establishment will be \$50.

(C) *Permit fee exception.* No permit fee shall be required for food establishments operated by a charitable or religious organization which serves food only occasionally or by an educational organization. However, such establishments shall comply with the provisions of § 134.03.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86; Am. BC Ord. 1991-15, passed 7-22-91; Am. BC Ord. 2013-19, passed 7-22-13)

§ 134.03 MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS.

All food establishments shall comply with the minimum requirements specified by the Indiana State Board of Health as now provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated therein and made a part hereof, two copies of which are on file in the office of the County Auditor, for public inspection.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

§ 134.04 INSPECTION OF FOOD ESTABLISHMENTS.

(A) At least two times yearly the Health Officer shall inspect each food establishment and vending machine unit for which a permit is required under the provisions of this chapter.

(B) Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this chapter, or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation.

(BC Ord. 1984-5, passed 2-27-84)

§ 134.05 DISEASE CONTROL.

No person shall be permitted to work in a food establishment who does not meet the health requirements specified by the Indiana State Board of Health as provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

§ 134.06 APPROVAL OF PLANS.

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in § 134.03 of this chapter. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work.

(BC Ord. 1984-5, passed 2-27-84)

§ 134.99 PENALTY.

Any person who violates any of the provisions of this chapter or who refuses to comply with any lawful orders, rules or regulations of the Health Officer, as provided in this chapter, shall upon conviction be punished for the first offense by a fine of not more than \$100 and for the second or any subsequent offense by a fine of not more than \$500. Each day of operation in violation of the provisions of this chapter shall constitute a distinct and separate offense.

(BC Ord. 1984-5, passed 2-27-84)

CHAPTER 135: TATTOO PARLORS

Section

- 135.01 Sanitary operation of tattoo parlors
- 135.02 Definitions
- 135.03 Tattoo operator training responsibilities
- 135.04 Tattoo operator responsibilities
- 135.05 Tattoo operator policies
- 135.06 Tattoo artist minimum training and certification requirements
- 135.07 Patron records
- 135.08 Illness
- 135.09 Handwashing
- 135.10 Personal protective equipment
- 135.11 Tattooing equipment
- 135.12 Needles
- 135.13 Reusable equipment
- 135.14 Dyes or pigments
- 135.15 Work environment
- 135.16 Infectious waste containment
- 135.17 Treatment and transport of infectious waste
- 135.18 Permits
- 135.19 Inspections
- 135.20 Revocation of permit

- 135.99 Penalty

§ 135.01 SANITARY OPERATION OF TATTOO PARLORS.

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this chapter and shall maintain the premises in which tattoos are performed and equipment used in the tattoo process in a sanitary manner.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOOD. Human blood.

BLOOD BORNE PATHOGENS. Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) HBC.
- (2) HCV.
- (3) HIV.

CLEANED. Removal of all visible dust, soil, or any other foreign material.

CONTAMINATED. The presence or reasonably anticipated presence of blood or OPIM on an item or surface.

DECONTAMINATED. The use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

DEPARTMENT. The Warrick County Health Department. The Warrick County Board of Health shall be considered part of the Department except for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or Health Officer.

HBV. The hepatitis B virus.

HCV. The hepatitis C virus.

HEALTH OFFICER. The duly appointed Health Officer as set forth in IC 16-20-2-16. The County Health Officer or designee shall be designated as the official in charge of enforcing this chapter. The Health Officer may designate someone in the health department to perform those duties and responsibilities of the Health Officer.

HIV. The human immunodeficiency virus.

INFECTIOUS WASTE. Waste that epidemiologic evidence indicates is capable of

transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
- (3) Pathological waste.
- (4) Blood and blood products in liquid and semiliquid form.
- (5) Carcasses, body parts, blood, and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
- (6) Other waste that has been intermingled with infectious waste.

OTHER POTENTIALLY INFECTIOUS MATERIALS or OPIM.

- (1) Human body fluids as follows:
 - (a) Semen.
 - (b) Vaginal secretions.
 - (c) Cerebrospinal fluid.
 - (d) Synovial fluid.
 - (e) Pleural fluid.
 - (f) Pericardial fluid.
 - (g) Peritoneal fluid.
 - (h) Amniotic fluid.
 - (i) Saliva in dental procedures.
 - (j) Any body fluid that is visibly contaminated with blood.
 - (k) All body fluids where it is difficult or impossible to differentiate between body fluids.
- (2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.
- (3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals

infected with HIV or HBV.

PARENTERAL. Piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts or abrasions.

PERSONAL PROTECTIVE EQUIPMENT. Specialized clothing or equipment worn for protection against contact with blood or OPIM.

SECURE AREA. An area that is designated and maintained to prevent the entry of unauthorized persons.

SEMI-LIQUID BLOOD, BLOOD PRODUCTS. Blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

STERILIZE. The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

STORE. The containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

TATTOO.

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) Any design, letter, scroll, figure or symbol done by scarring; upon or under the skin.

(3) Any piercing of the mucous membranes or the skin through which needles or other items are inserted for temporary or permanent placement upon a person.

TATTOO ARTIST. Any person who provides a tattoo to an individual or who performs any type of piercing the mucous membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

TATTOO OPERATOR. A person who controls, operates, conducts, manages, or owns any tattoo parlor.

TATTOO PARLOR. Any room or space where tattooing is provided or where the business of tattooing is conducted.

UNIVERSAL PRECAUTIONS. An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.03 TATTOO OPERATOR TRAINING RESPONSIBILITIES.

An individual or entity that is a tattoo operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(B) Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(C) Ensure that a record of training described in division (A) is maintained, as required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(D) Ensure that a record of training described in division (B) is maintained.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.04 TATTOO OPERATOR RESPONSIBILITIES.

(A) The tattoo operator shall ensure that tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this chapter and the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) The tattoo operator shall require tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in § 135.06.

(C) The tattoo operator shall display a description of compliance with the requirements contained in division D.

(D) The tattoo operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this chapter. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

(E) The tattoo operator shall insure that no illicit drugs or alcohol are consumed or permitted in the tattoo parlor.

(F) The tattoo operator shall insure that no tattoo shall be affixed to any person that is intoxicated.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.05 TATTOO OPERATOR POLICIES.

The tattoo operator shall develop a written policy in compliance with this chapter and the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

(A) Required the use of universal precautions when performing tattooing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(B) Includes the safe handling of infectious waste; and

(C) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.06 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.

(A) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall

be as follows:

(1) A blood borne pathogen training session provided by the tattoo operator meeting the requirements under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the tattoo parlor's policies on the handling of infectious waste.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.07 PATRON RECORDS.

Records of each patron shall be maintained for two years. The record shall include the following:

(A) Patron's name.

(B) Address.

(C) Age. Age must be verified by two items of identification, one of which must be a valid government issued identification.

(D) Date tattooed.

(E) Design of the tattoo.

(F) Location of the tattoo on the patron's body.

(G) The name of the tattoo artist who performed the work.

(H) Parental consent must be in writing when performed on any minor as permitted by law.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.08 ILLNESS.

Tattoo artists who are experiencing symptoms of acute disease that include, but are not

limited to, the following shall refrain from providing tattoos:

- (A) Diarrhea;
- (B) Vomiting;
- (C) Fever;
- (D) Rash;
- (E) Productive cough;
- (F) Jaundice; or
- (G) Draining (or open) skin infections, boils, impetigo, or scabies.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.09 HANDWASHING.

- (A) Handwashing facilities shall be readily accessible in the same room where tattooing is provided.
- (B) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.
- (C) Only single use towels shall be used.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.10 PERSONAL PROTECTIVE EQUIPMENT.

Appropriate personal protective equipment shall be worn as follows:

- (A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
- (B) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- (C) Disposable gloves shall be worn during the tattooing process. Gloves shall be

changed and properly disposed of each time there is an interruption in the application of the tattoo, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.11 TATTOOING EQUIPMENT.

(A) Only single use razors shall be used to shave the area to be tattooed.

(B) All stencils shall be properly disposed of after a single use.

(C) If the design is drawn directly onto the skin, it shall be applied with a single use article only.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.12 NEEDLES.

(A) Needles shall be individually packaged and sterilized prior to use.

(B) Needles shall be single use only.

(C) Needles shall be discarded in sharps containers immediately after use.

(D) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.13 REUSABLE EQUIPMENT.

(A) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

(B) Records must be maintained to document the following:

- (1) Duration of sterilization technique.
- (2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.
- (3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.
- (C) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.
- (D) Reusable contaminated equipment shall be:
 - (1) Placed in puncture-resistant containers;
 - (2) Labeled with the biohazard symbol;
 - (3) Leakproof on both sides and bottom; and
 - (4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.
- (E) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.
- (F) Reusable tubes shall be effectively cleaned and sterilized before reuse.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.14 DYES OR PIGMENTS.

- (A) All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.
- (B) In preparing dyes or pigments to be used by tattoo artists, only nontoxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used from each patron.
- (C) After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.15 WORK ENVIRONMENT.

(A) No tattooing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from areas where tattooing is being conducted. This exclusion does not apply to the following:

- (1) Patrol dogs accompanying security or police officers.
- (2) Guide dogs accompanying the following:
 - (a) Blind persons.
 - (b) Partially blind persons.
 - (c) Physically disabled persons.
 - (d) Guide dog trainers.
 - (e) Persons with impaired hearing.

(C) Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and decontaminated.

(G) All work surfaces shall be nonabsorbent, easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections.

(H) Disinfectant solutions shall be:

- (1) A hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
- (2) Sodium hypochlorite, 0.5% concentration, by volume (common household bleach is 10% concentration in water); the solution shall be dated and shall not be used if it is

more than 24 hours old.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.16 INFECTIOUS WASTE CONTAINMENT.

(A) Contaminated disposable needles or instruments shall be:

(1) Stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this chapter prior to being stored in an unsecured area and sent for final disposal.

(B) Infectious wastes that are contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:

(1) Impervious to moisture.

(2) Sufficient strength and thickness to prevent expulsion.

(3) Secured to prevent leakage expulsion.

(4) Labeled with the biohazard symbol.

(5) Effectively treated in accordance with this chapter prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this chapter shall store infectious waste in a secure area that:

(1) Is locked or otherwise secured to eliminate access by or exposure to the general public;

(2) Affords protection from adverse environmental conditions and vermin;
and

(3) Has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

(E) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.17 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.

(A) All tattoo operators shall ensure that infectious waste is either treated on-site in accordance with this chapter or transported off-site for treatment in accordance with this chapter.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this chapter. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;
- (3) Chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) Thermal inactivation;
- (5) Irradiation; or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this chapter shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this chapter before it is compacted.

(D) The tattoo operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 103.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.18 PERMITS.

(A) *Business.* Each tattoo parlor operation shall obtain a permit from the County Health Department. The permit shall provide the name and address of the owner of the business

and the name and address of each and every tattoo artist located at each location. The cost for this permit shall be as indicated on the table below and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the tattoo parlor in the place where the tattoos are performed and shall be clearly visible to the public.

- (1) Permits acquired January 1 through and including March 31 shall be \$500.
- (2) Permits acquired April 1 through and including June 30 shall be \$375.
- (3) Permits acquired July 1 through and including September 30 shall be \$250.
- (4) Permits acquired October 1 through and including December 31 shall be \$125.

(B) *Tattoo artist.* Every person that desires to perform any tattoo shall obtain a "Tattoo Artist Permit" from the County Health Department. This permit must be obtained before any tattoos are affixed to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein in § 135.06. The cost of said permit shall be \$100 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permits shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(BC Ord. 1998-3, passed 4-27-98; Am. BC Ord. 2013-25, passed 10-15-13)

§ 135.19 INSPECTIONS.

The County Health Department shall conduct inspections of each and every tattoo parlor located in Warrick County, Indiana. The Health Department shall conduct a minimum of three inspections per year. Additional inspections may be conducted by the Health Department as they determine and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Department shall conduct follow up inspections to determine compliance with this chapter.

(BC Ord. 1998-3, passed 4-27-98)

§ 135.20 REVOCATION OF PERMIT.

The Health Officer may suspend or revoke the permit of any tattoo artist or operator for any period of time for any violation of this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA). The operator or artist may have the permit reinstated upon compliance with this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA) and to the satisfaction of the Health Officer. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 *et seq.* The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 *et seq.*

(BC Ord. 1998-3, passed 4-27-98)

§ 135.99 PENALTY.

(A) If a tattoo artist or operator shall fail to obtain a permit prior to the conduct of their business or at any time after one has been issued, but has expired, the tattoo artist and/or operator may be subject to a fine of not more than \$2,500. Each day the tattoo artist and/or operator shall be in violation of this chapter shall constitute a separate offense.

(B) The Health Officer may bring an action in the Circuit or Superior Court to enforce this chapter. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this chapter including reasonable attorney fees.

(BC Ord. 1998-3, passed 4-27-98)

CHAPTER 136: COLLECTION, DELIVERY AND PROCESSING OF SOLID WASTE AND RECYCLABLES

Section

Acceptable Waste

- 136.01 Definitions
- 136.02 Delivery of acceptable waste

Enforcement of Curbside Collection Program

136.10 Definitions

136.99 Penalty

Cross-reference:

Solid waste, see Ch. 50

ACCEPTABLE WASTE

§ 136.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCEPTABLE WASTE. All “solid waste” as defined in I.C. 36-9-33-2 as may be amended from time to time, including all putrescible and nonputrescible solid and semisolid wastes and recyclables generated by residences, institutions, and commercial businesses situated within the county, other than prohibited waste. **ACCEPTABLE WASTE** expressly includes garbage, rubbish, household appliances, yard waste, demolition and construction debris, and inert fill.

COUNTY. Warrick County, Indiana.

DESIGNATED FACILITY. The transfer station located at 1111 S. Pelzer Road, Boonville, Indiana, to be owned, operated and managed by the District, or such other facility as might be designated from time to time by the District.

DISTRICT. The Warrick County Solid Waste Management District created by Warrick County.

EFFECTIVE DATE. December 1, 2015, which may be extended by a period not to exceed 30 days in the event the facility and/or designated facility are not yet operational and the Board of Commissioners determines it to be in the county’s best interest, provided notice is given of the change in **EFFECTIVE DATE**.

PERSON. Any individual, group, business, association, proprietorship, partnership, corporation, limited liability company, or other entity.

PROHIBITED WASTE.

- (1) Human excreta, including septic tank sludge;
- (2) Hazardous waste as defined by the Indiana Department of Environmental Management from time to time;
- (3) Industrial waste;
- (4) Agricultural waste;
- (5) Biomedical waste;
- (6) Dead animals;
- (7) Asphalt;
- (8) Automobiles and other vehicles; and
- (9) Other items specified by the District and/or designated facility from time to time.

(BC Ord. 2015-21, passed 9-28-15)

§ 136.02 DELIVERY OF ACCEPTABLE WASTE.

(A) Beginning on the effective date, and at all times thereafter, any person may dispose of acceptable waste by delivering or causing the delivery of such acceptable waste to the District at its designated facility in accordance with this chapter and any applicable laws, rules, procedures, and instructions promulgated by the County Board of Commissioners or the District.

(B) Notwithstanding the foregoing, yard waste may be accumulated on residential property for composting purposes in a manner which will not create odor, harbor rodents, or become a public nuisance. Yard waste may be collected commercially as provided by the District's curbside waste and recycling pickup program.

(BC Ord. 2015-21, passed 9-28-15)

**ENFORCEMENT OF CURBSIDE
COLLECTION PROGRAM**

§ 136.10 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HAULERS. Any person or business, other than the approved hauler selected by the District for the program, providing curbside pickup and disposal of solid wastes and recyclable materials from covered participants located within Warrick County.

COVERED PARTICIPANTS. The same meaning as adopted from time to time by the District in the program, which initially includes the following participants within the boundaries of the county exclusive of incorporated municipalities:

- (1) Single-family, residential zoned properties;
- (2) Multi-family, residential zoned properties that are able to utilize the containers provided by the program;
- (3) Embedded commercial zoned properties, defined as those businesses embedded within residential areas and also able to utilize the containers described below; and
- (4) County and municipal government properties able to utilize the containers provided by the program.

COUNTY. Warrick County, Indiana.

DISTRICT. The Warrick County Solid Waste Management District created by the county.

EFFECTIVE DATE. December 1, 2015.

PERSON. Any individual, group, business, association, proprietorship, partnership, corporation, limited liability company, or other entity.

PROGRAM. The Curbside Collection and Disposal Program adopted by the District and administered by it as of the effective date, which program may be amended from time to time by the District.

(BC Ord. 2015-29, passed 11-23-15)

§ 136.99 PENALTY.

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(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine as set forth in § 10.99.

(B) (1) Beginning on the effective date, and at all times thereafter, any commercial hauler who shall collect curbside waste or recyclable materials from covered participants in violation of the program shall be subject to a civil penalty, payable to the county, of \$1,000 for the first violation and \$2,500 for each additional violation. Each collection of curbside waste or recyclable materials from any covered participant after the effective date that occurs in violation of this chapter shall be deemed a separate offense.

(2) Revenues from assessed and collected penalties shall be deposited into the county's General Fund in an account as may be identified from time to time.

(BC Ord. 2015-29, passed 11-23-15)

TITLE XV: LAND USAGE

Chapter

150. BUILDING CODE

151. ECONOMIC REVITALIZATION AREAS

152. LEASING OF REAL PROPERTY

153. PLANNING

154. SUBDIVISION CONTROL

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APPENDIX B: WARRICK COUNTY ROADWAY

SPECIFICATIONS

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155. ZONING

156. UNSAFE BUILDINGS AND PREMISES

CHAPTER 150: BUILDING CODE

Section

General Requirements

- 150.01 Title
- 150.02 Purpose
- 150.03 Definitions
- 150.04 Scope
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Building Permits

- 150.15 Building permit required
- 150.16 Application for building permit
- 150.17 Fee schedule
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- 150.19 Written authority
- 150.20 Contractor listing
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Investigation and Inspections of Construction Activities

- 150.30 General authority to make inspections and investigations
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- 150.40 Adoption of rules by reference
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Enforcement

- 150.50 Withhold issuance of permits
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GENERAL REQUIREMENTS

§ 150.01 TITLE.

This chapter and all material included herein by reference shall be known as the *Building Code of Warrick County, Indiana*.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.02 PURPOSE.

The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of the county and shall be construed in such a manner to effectuate this purpose.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.03 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

BUILDING COMMISSIONER. Includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.

CLASS 1 STRUCTURE. Pursuant to I.C. 22-12-1-4, has the following definition:

(1) ***CLASS 1 STRUCTURE.*** Any part of the following:

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public.
2. Three or more tenants.
3. One or more persons who act as the employees of another.

Warrick County, IN Code of Ordinances

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in division (a).

(c) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in division (a), except buildings or structures described in divisions (3) through (5).

(2) Division (1)(a) includes a structure that contains three or more condominium units (defined in I.C. 32-25-2-9) or other units that:

(a) Are intended to be or are used or leased by the owner of the unit:
and

(b) Are not completely separated from each other by an unimproved space.

(3) Division (1)(a) does not include a building or structure that:

(a) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(b) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(4) Division (1)(a) does not include a Class 2 structure.

(5) Division (1)(a) does not include a vehicular bridge.

(6) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5, has the following definition:

(1) **CLASS 2 STRUCTURE.** Any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(b) An outbuilding for a structure described in division (a), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Division (1) does not include a vehicular bridge.

(3) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7, means any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
- (3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
- (4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

GENERAL CONTRACTOR. Any person, firm or corporation engaged in the business of or holding themselves out to the public as engaged in the business of constructing, installing, repairing, remodeling, or servicing any structural part or non-structural part of any one and two family or multi-family residential, commercial, or industrial building.

INDUSTRIALIZED BUILDING SYSTEM. Pursuant to I.C. 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. Pursuant to I.C. 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984. This definition is as follows:

MANUFACTURED HOME means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5402.

MOBILE STRUCTURE. Pursuant to I.C. 22-12-1-17, has the following definition:

- (1) **MOBILE STRUCTURE.** Any part of a fabricated unit that is designed to

be:

- (a) Towed on its own chassis; and
- (b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

(a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(b) Two or more units that are separately towable but designed to be joined into one integral unit.

PERSON. Pursuant to I.C. 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE. Pursuant to I.C. 22-12-1-26, means any bridge that is neither:

- (1) A pedestrian walkway; nor
- (2) A passageway for light vehicles; suspended between two or more parts of a building or between two or more buildings.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.04 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this chapter.

(B) Pursuant to I.C. 22-13-2-6, this chapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this chapter and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.05 AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce the following:

- (A) All of the provisions of this chapter.
- (B) Variances granted in accordance with I.C. 22-13-2-11.
- (C) Orders issued under I.C. 22-12-7.

(BC Ord. 2003-14, passed 7-15-03)

BUILDING PERMITS

§ 150.15 BUILDING PERMIT REQUIRED.

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commission prior to commencement of construction. A permit shall be required before beginning any new construction of any building or structure or before beginning any structural improvement to any building or structure not hereinafter exempted, the cost of which construction or improvements exceeds \$2,500; or is more than 120 square feet; or before beginning construction of any improvement to any building or structure involving modification, changing or new installation of any electrical, plumbing or mechanical improvement, the cost of which exceeds \$750, including installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device or before electrical meter is installed following a fire; an in-ground swimming pool, an above ground swimming pool deeper than three and one-half feet, hot tubs, spas, demolition of any structure over 120 square, feet tanks, communication towers and co-locates on existing towers, and signs. (See § 150.17 for more specific definitions). However, a person desiring to make an improvement which would be exempt from permit requirements under this chapter, either by cost or square footage, may voluntarily apply for a permit, pay the required fee, and secure the inspection(s) provided for under this chapter. All permits shall be issued by the Building Commissioner and all fees provided for herein shall be paid to the County Building Commission Fund. Check or cash payments may be made at the Building Commissioner's office, or may be made online pursuant to a vendor of the Building Commissioner's choosing. Online credit card payments may include additional processing fees or other fees as charged by the vendor which shall be paid by the

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permit applicant.

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2010-19, passed 12-20-10; Am. BC Ord. 2016-01, passed 1-25-16) Penalty, see § 150.99

§ 150.16 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a complete application to the Building Commissioner.

(B) This application shall be submitted on a form prepared by the Building Commissioner and shall contain the following:

(1) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Design Release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3.

(5) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.17 FEE SCHEDULE.

The fee schedule established by the County Building Commission and approved by the County Commissioners, at their regularly scheduled meeting on March 19, 2003 and effective April 7, 2003:

<i>BUILDING/STRUCTURE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
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County Commissioners, at their regularly scheduled meeting on March 19, 2003 and effective April 7, 2003:

<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
<i>Residential Uses:</i>		
Single Family Dwelling	Including manufactured housing	\$.08 per square foot or minimum of \$200
	Includes mechanics and certificate of occupancy	
Two-Family Dwelling	Includes mechanics and certificate of occupancy	\$.08 per square foot or minimum of \$200 plus \$25.00 per unit
Multi-Family Dwelling (rental/apartments, condominiums, and the like)	Includes mechanics and certificate of occupancy	\$.08 per square foot or minimum of \$200, plus 2 to 10 units, \$25 per unit. Over 10 units, \$20 per unit
Mobile Homes		\$100
<i>Accessory Uses:</i>		
Garages, Pole Barns, Storage Structures on a permanent foundation	Less than 200 square feet: no charge	\$.05 per square foot or minimum of \$50
Additions	Additional square feet	\$.05 per square foot or minimum of \$50
Interior remodeling		\$.05 per square foot or minimum of \$50
Exterior remodeling	Re-roofing, windows, siding, doors, guttering, foundations and the like	\$30
Swimming pool (in-ground)		\$100

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<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
Swimming pool (above ground)	Deeper than 3 1/2 feet	\$50
Electrical, Plumbing or Heating Ventilation and Air Conditioning	Any electrical, plumbing or mechanical improvement, the cost of which exceeds \$750; including installation of any furnace, hot water heater, spa, hot tub, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire	\$30
Demolition	Any structure over 200 square feet	\$25
Re-inspection fee (each additional inspection)	Re-inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections	\$25
	All fees for permits and inspections shall be paid to the County Building Commission.	
<i>Commercial Uses:</i>		
Principal Use	includes mechanics and certificate of occupancy; hotels, motels, business, commercial, public buildings, educational, churches, industrial, institutional, warehouse and bulk storage building	\$.10 per square foot or a minimum of \$250
<i>Accessory Uses:</i>		

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<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
Storage, Garage or other structure on a permanent foundation		\$.10 per square foot or minimum of \$150
Additions	Additional square feet	
Interior Remodeling	No additional square feet	
Exterior Remodeling:	Re-roofing, windows, siding, doors, guttering, foundations, and the like	\$100
Swimming pool (in-ground)		\$200
Electrical, plumbing or heating, ventilation and air-conditioning	Any electrical, plumbing or mechanical improvement, the cost which exceeds \$750 or installation of any furnace, hot water heater, new meter base, meter base relocation, panel upgrade; load control device, or before electrical meter is installed following a fire	\$ 50
Demolition	Any structure over 200 square feet	\$ 50
Tanks		\$100
Communication towers and co-locates on existing towers		\$200
Signs: Temporary or portable signs		\$50
Permanent Signs:	6 to 100 square feet	\$50
	101 to 300 square feet	\$200

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<i>BUILDING/STRUCTURE TYPE</i>	<i>DESCRIPTION</i>	<i>FEES</i>
	301 to 1,001 square feet and up	\$500
Billboards and signs (Multi-faced)		Charged for each face

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2010-19, passed 12-20-10) Penalty, see § 150.99

§ 150.18 EXEMPTIONS.

- (A) *Signs.* The following signs are exempt from the requirements of this chapter:
- (1) Signs not exceeding two square feet in area which identify the names and occupants but do not denote commercial activity.
 - (2) Flags and insignias of a governmental unit, church, organization or political entity except in connection with a commercial promotion.
 - (3) Legal notices, identification, informational, warning, trespassing, or directional or architectural features of buildings.
 - (4) Memorial plaques and historical markers.
 - (5) Integral decorative or architectural features of buildings.
 - (6) One real estate sign for each frontage, not exceeding six square feet, indicating the sale, rental, or lease of the premises.
 - (7) Traffic or directional signs placed by a municipality or state. An exempt sign may be illuminated but may not be flashing or animated.
- (B) *Temporary, portable, or moving signs.* Issuance of the permit shall be for a maximum of 90 days. A portable sign may not be placed in a street or highway right-of-way or sidewalk or where it blocks traffic vision. All temporary signs must conform to the requirements of this chapter and are subject to the inspection, removal, and penalties provided by this chapter.
- (C) *Agricultural uses.*
- (1) All structures located on 20+ acres that are used for agricultural purposes

are exempt from permit fees.

(2) All taxpayers that file an Agricultural Section F with their taxes are exempt from permit fees.

(3) All structures located on 20+ acres that are used for personal/residential storage require a building permit as per the residential accessory permit fees.

(4) All electrical services for agricultural structures require a building permit as per the residential electric permit fee.

(D) *Governmental uses.* All structures constructed for the county, or for any town, city, township, school corporation, or public library, or any department and agency thereof, located within the county and funded at least 75% by county taxes, are exempt from permit fees.

(BC Ord. 2003-14, passed 7-15-03; Am. BC Ord. 2006-11, passed 7-26-06)

§ 150.19 WRITTEN AUTHORITY.

Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.20 CONTRACTOR LISTING.

Contractors working in the jurisdiction of the County Building Department, who wish to be able to apply for building permits must be listed by the county. In order to obtain a listing the following must be provided:

(A) A completed Contractor Listing Application form, containing the following information:

- (1) Name;
- (2) Address;
- (3) Phone number;
- (4) Individuals authorized to secure permits under this listing; and

(5) Legal business status of the listed contractor.

(B) Proof of a public liability and property damage insurance policy insuring the listed contractor and naming the Board of County Commissioners as "additional insured" in an amount of not less than \$500,000. (A 15-day notification of cancellation).

(C) Property owners' exception. A private property owner shall be able to obtain a permit to perform work in or about his/her own property for a new or remodeled building or structure without the insurance. Any contractors hired shall provide all insurance and the property owner shall have proof of public liability insurance and property damage insurance in hand and available to responsible officials of the county and/or the County Building Department. All work shall be permitted and inspected the same as other permits, and shall adhere to all other state and local requirements.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.21 ISSUANCE OF BUILDING PERMIT.

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.22 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full or conditional certificate of occupancy has been issued by the Building Commissioner. A conditional certificate of occupancy is issued only in cases where yard work cannot be completed because of weather conditions. Anyone occupying any such building or structure prior to securing a full or conditional certificate of occupancy as hereinabove set forth shall be guilty of a violation of this chapter and shall be subject to a penalty as set forth in § 150.99.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.23 EXPIRATION OF BUILDING PERMIT.

(A) If the work described in a building permit application has not been started within six months from the date it was issued, the permit shall expire and written notice thereof shall be given to the person submitting the permit application.

(B) If the work described in any building permit application has not been substantially completed within two years of the date it was issued, the permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that all work shall cease until a new permit has been obtained.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

**INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION
ACTIVITIES**

**§ 150.30 GENERAL AUTHORITY TO MAKE INSPECTIONS AND
INVESTIGATIONS.**

(A) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(B) The Building Commissioner, subject to the provisions of this chapter or to the rules of the Fire Prevention and Building Safety Commission, at any reasonable time go in, upon, around or about the premises where any structure is located for the purposes of inspection and investigation of such structure. Such inspections and investigations may be made before, during and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this chapter and the rules of the Fire Prevention And Building Safety Commission. The Building Commissioner may notify the general contractor and/or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure of a schedule of inspections to be performed by the Building Inspector; and require the general contractor and/or the owner or any other person or persons or entities who may be the owner or entitled to the lawful possession of such building or structure of a duty to report to the Building Commissioner or whoever he designates; certain stages of completion of the building or structure after which time the Building

Inspector may conduct his or her periodic inspections.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.31 INSPECTIONS BY FIRE DEPARTMENT.

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17).

(BC Ord. 2003-14, passed 7-15-03)

MINIMUM CONSTRUCTION STANDARDS

§ 150.40 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- (1) Article 13 - Building Codes
 - (a) Fire and Building Safety Standards.
 - (b) Indiana Building Code.
- (2) Article 14 - Indiana Residential Code
- (3) Article 16 - Indiana Plumbing Code
- (4) Article 17 - Indiana Electrical Code
- (5) Article 18 - Indiana Mechanical Code
- (6) Article 19 - Indiana Energy Conservation Code
- (7) Article 20 - Indiana Swimming Pool Code

(8) Article 22 - Indiana Fire Code

(B) Two copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(C) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this chapter. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

(BC Ord. 2003-14, passed 7-15-03)

§ 150.41 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

(A) Pursuant to I.C. 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(1) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(2) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.12000, Safety Codes for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(3) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016

(4) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(5) Section 7, Private Inclined Stairway Lifts, ASME A18.1 a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(B) Two copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C.

36-1-5-4.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

ENFORCEMENT.

§ 150.50 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, or permit fees owed pursuant to the County Building Commission) the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(C) Wherever a person applies for a building permit for any structure pursuant to this chapter, the owner of the real estate upon which said structure is to be constructed and the general contractor, if said structure is being constructed by someone other than the owner shall agree in writing in the application for building permit that the said owner and contractor, if there is a contractor, shall hold the county, its County Commissioners and its other agents, servants or employees harmless and indemnify the above from any damages which may result from or because by the construction of the aforesaid building upon said real estate, including, but not limited to subsidence or sinkage of the earth upon which the building or structure is placed.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.51 PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

(A) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.

(B) The application, plans or supporting documents reflect a lack of compliance with
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building standards and procedures.

(C) There is failure to comply with this chapter.

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.52 STOP-WORK ORDER.

(A) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

(B) The stop-work order shall:

(1) Be in writing.

(2) State with specificity the construction to which it is applicable and the reason for its issuance.

(3) Be posted on the property in a conspicuous place.

(4) If practicable, be given to:

(a) The person doing the construction; and

(b) To the owner of the property or the owner's agent.

(5) The stop-work order shall state the conditions under which construction may be resumed.

(C) The Building Commissioner may issued a stop-work order if:

(1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this chapter or any state law pertaining to safety during construction.

(2) Construction is occurring in violation of this Building Ordinance or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially be difficult to correct the violation.

(3) Construction for which a building permit is required is proceeding without

a building permit being in force.

(D) The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this chapter.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.53 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this chapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this chapter may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with I.C. 22-13-2-7.

(2) The Commission may modify or reverse any order that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this chapter that cover a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court. Pursuant to I.C. 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the county executive a 15-day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the county has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinances. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(BC Ord. 2003-14, passed 7-15-03) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter may be subject to a fine in any sum not exceeding \$2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter.

(B) If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully required within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance for each such violation, failure or refusal, such person, firm or corporation shall be fined a sum as hereinafter set forth.

(1) The sum of \$250 for failure to correct such violation after such person, firm or corporation shall have been given written notice of such violation which notice shall state the items to be corrected, and that said correction shall be completed within ten days following delivery of notice to such person, firm or corporation.

(2) The sum of \$500 in addition to the initial sum of \$250 as hereinabove set forth if such correction is not made within 20 days following the receipt of such initial notice.

(3) The sum of \$750 in addition to the aforesaid \$250 and \$500 if said correction is not made within 30 days following the receipt of such initial notice.

(4) The Building Commissioner may, for good cause, extend the above ten-day, 20-day, and 30-day periods for achieving such corrections, but in no event shall the time be shortened for making such corrections which shall subject the person, firm or corporation to the aforesaid civil fines.

(C) In addition to the above fines, the Commissioners and/or the Building Commissioner may maintain a civil action in a Court of competent jurisdiction to seek a Court Order removing any person or persons from occupying any building or structure contrary to this chapter to stop work upon any building or structure which is proceeding in violation of this chapter.

(BC Ord. 2003-14, passed 7-15-03)

CHAPTER 151: ECONOMIC REVITALIZATION AREAS

Section

151.01 General standards and requirements

151.02 Application process

Cross-reference:

Specific areas designated, see T.S.O. III

§ 151.01 GENERAL STANDARDS AND REQUIREMENTS.

(A) Application for designation as an economic revitalization area shall meet at least one of the following criteria:

(1) The property is or has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired the values or prevent a normal development of property or use of property.

(2) The property includes a facility or group of facilities that are technologically, economically, or energy obsolete and where said obsolescence may lead to a decline in employment and tax revenues.

(B) Applications shall also address at least one of the following development objectives for real property development:

(1) The generation of use of vacant or under-utilized land;

(2) The rehabilitation or replacement of obsolete, deteriorated, vacant or under-utilized buildings;

(3) The retention or expansion of job opportunities; or

(4) The preservation of historically or architecturally significant property.

(C) Tax abatement may be allowed for projects in the following categories:

(1) Manufacturing: property consisting of new, improved, or expanded

building or structure but not including land.

(2) Warehousing as a part of the renovation of vacant manufacturing structures or the construction of a new facility.

(3) New research and/or high technology facilities.

(4) Renovation of vacant manufacturing structures.

(D) Tax abatement shall not be available to retail businesses.

(E) Tax abatement may be granted for new manufacturing equipment as defined in I.C. 6-1.1-12.1-1 and as described in I.C. 6-1.1-12.1-4.5. Tax abatement for new manufacturing equipment may be granted for a period of ten years which:

(1) Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property;

(2) Was acquired by its owner for the use described under division (E)(1), above, and was never before used by its owner for any purpose in Indiana; and

(3) Is installed in an economic revitalization area.

(F) Tax abatement will not be granted for a project that does not meet the qualifications of I.C. 6-1.1-12.1.

(G) The project must begin within 12 months of the date of passage of the tax abatement resolution.

(H) The value of real estate improvements or new manufacturing equipment must be at least \$50,000.

(I) Data relating to current taxes, projected taxes with and without tax abatement, and the tax deferral shall be provided as a part of the application.

(J) For a real property tax abatement application, a site plan must be submitted with the application. For new manufacturing equipment tax abatement, the application must include information concerning the new manufacturing equipment specific enough to allow the equipment to be identified.

(CC Res. 1994-5, passed 6-2-94)

§ 151.02 APPLICATION PROCESS.

(A) An application seeking designation of an area as an economic revitalization area shall be filed with the County Auditor on forms furnished by the County Department of Economic Development. Such application must contain supporting documentation relative to the matter set forth in § 151.01.

(B) The application for tax abatement shall also contain all information as required by I.C. 6-1.1-12.1.

(C) The County Auditor, upon receipt of application, shall forward it to the Department of Economic Development which shall review the application for completeness and accuracy, gather and provide additional information needed by the County Council to make an appropriate informed decision, analyze the application and supplemental material and submit such comments and recommendation on the acceptability or unacceptability of the request for economic revitalization area designation.

(CC Res. 1994-5, passed 6-2-94)

CHAPTER 152: LEASING OF REAL PROPERTY

Section

- 152.01 Definitions
- 152.02 Terms and conditions of lease
- 152.03 Prohibited use of property
- 152.04 Termination of lease
- 152.05 Compliance with zoning regulations required
- 152.06 Application for lease
- 152.07 Renewal of lease
- 152.08 Buildings or improvements to be approved prior to construction

Cross-reference:

County policies generally, see Ch. 39

§ 152.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DELIVERY OF NOTICE. In all cases where notice, other than published notice is
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required to be given, it shall be given either by personal delivery to the effected party or by United States Mail, return receipt requested.

INSURANCE. A comprehensive general liability insurance policy, or other insuring agreement, providing coverage for bodily injury and property damage in such amount as may be fixed by the lease, and, where appropriate, such other insurance as is necessary to indemnify for loss by fire of a building and its contents and other customarily insured against perils.

LESSOR BODY. Either the Board of County Commissioners, if the real property at issue is administered by that Board or is held in the name of the county by the Board of County Commissioners, or a department or board of the county, if the real property at issue is held in the name of, or is administered by, that department or board.

LONG TERM LEASE. Any written agreement between the county or its departments, and a qualified lessee, which leases real property for a period of time fixed in excess of six months.

PROOF OF STATUS. Proof by such corporation of its qualified status shall be such documentation as shall be adequate to establish that it meets the definition of a qualified lessee.

PUBLISHED NOTICE. In all cases requiring published notice of any event, such publication shall be in a local newspaper of general circulation in the county seat, which notice shall contain a description, by common location, of the property proposed to be leased; a recitation of the proposed use to which the property will be put; the name of the proposed lessee; and, fixing a date for a hearing on the proposed lease together with the last date for filing competing lease applications on the same property.

QUALIFIED LESSEE. A qualified lessee shall mean any Indiana not-for-profit corporation organized under any Indiana not-for-profit corporation act, which is in good standing and exempt from federal income taxation pursuant to Section 501 of the Internal Revenue Code, being 29 USC 501.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.02 TERMS AND CONDITIONS OF LEASE.

(A) The Commissioners, or a department or board, may lease to a qualified lessee, such real property as may be leased and as deemed expedient by the particular body. Such lease may be either, for a fee or at no consideration, except that all leases shall require the lessee to insure, at its cost, the leased property. In all cases, the county and where appropriate, a department or board, shall be named as insureds on such policy or policies of insurance or other insuring agreement. Before execution of any such lease, the Commissioners, or other lessor body

shall conduct a public hearing on the application to lease and determine whether the proposed lease is in the best interest of the county or lessor body.

(B) The lessor body to whom the lease is proposed shall determine the terms and conditions of any lease under this chapter. Such lease may include an option or options to renew upon such terms and conditions as the lessor body shall determine are in the best interest of the public.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.03 PROHIBITED USE OF PROPERTY.

No lessee shall use such leased property for any purpose prohibited by law, its corporate charter, in violation of any valid restrictive covenants running with the land or in violation of any ordinance of the county. Upon proof of any such prohibited use, the lessor body shall give notice to the lessee of such violation, and conduct a hearing to determine if the lease should be terminated. In the event that such lease is terminated, possession of the leased property shall immediately revert to the lessor body.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.04 TERMINATION OF LEASE.

In the event that a lessee ceases to be a qualified lessee during the term of the lease, upon notice from the lessor body, the lease shall terminate and possession of such property shall revert to the lessor body, unless, within 30 days after notice to such lessee of such termination, under this section, it produces adequate proof that it has regained its qualified status.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.05 COMPLIANCE WITH ZONING REGULATIONS REQUIRED.

In the event that the use for which the lessee proposes to acquire the property is prohibited by any zoning ordinance, such lease may be executed upon condition that the lessee shall, within 120 days thereafter, take the necessary steps to acquire proper variances, use exceptions or rezoning. In the event that such variance, use exception or rezoning is not acquired by the lessee by the end of such period, the lease shall terminate. During such period lessee shall

do no act in violation of such ordinance. Where necessary the lessor body may be a co-petitioner for such variance, use exception or rezoning, however, all costs, fees or expenses therefor shall be borne by the lessee.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.06 APPLICATION FOR LEASE.

(A) Any corporation seeking to lease real property under this chapter shall:

(1) File an application for lease, on forms provided by the Auditor, with the County Auditor.

(2) Provide all documentation necessary to establish its qualified status.

(3) Pay to the Auditor a fee of \$50, as a processing fee and for the cost of publication of the notice required by this chapter.

(4) Attend the public hearing on its application for a lease.

(B) Upon proper application and payment of the required fee, the Auditor shall publish the notice required by this chapter and set the application for a public hearing on the agenda of the appropriate lessor body. However, such public hearing may not be set less than ten days after publication of the first notice, and, in the event there are competing applications, shall be on the date as set by the presiding officer of the lessor body.

(C) No competing application may be considered by the lessor body unless it was filed on or before the date set out in the published notice regarding the original application or any renewal thereof. In the event a competing application is filed timely, such application shall be heard at the same time as the original application for the lease or any request for renewal thereof.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.07 RENEWAL OF LEASE.

In the event that any lease executed by a lessor body shall provide for a period, or periods, of renewal, published notice of a public hearing regarding such renewal shall be given at least ten days prior to the date of a public hearing to consider such renewal. The cost of such notice shall be borne by the lessee.

(BC Ord. 1994-13, passed 6-27-94)

§ 152.08 BUILDINGS OR IMPROVEMENTS TO BE APPROVED PRIOR TO CONSTRUCTION.

Any building proposed to be erected by the lessee or improvements to the real property, shall be first approved by the lessor body, and, in addition thereto, all such plans and specifications for such building or improvement must be approved by all necessary state and county agencies prior to construction thereof. Copies of "as built" drawings, blueprints and other like documents shall be provided to the lessor body upon completion of such construction.

(BC Ord. 1994-13, passed 6-27-94)

CHAPTER 153: PLANNING

Section

- 153.01 Area Planning Department
- 153.02 Comprehensive Plan adopted
- 153.03 Area Plan Commission approval required prior to public works construction

§ 153.01 AREA PLANNING DEPARTMENT.

- (A) The county hereby adopts the provisions of I.C. 36-7-7-1 *et seq.*
- (B) An Area Planning Department is created effective on August 6, 1962.
- (C) The Board of Commissioners shall select the representatives of the county who are to be members of the Area Plan Commission, pursuant to I.C. 36-7-7-4.

(BC Ord. passed 8-6-62)

§ 153.02 COMPREHENSIVE PLAN ADOPTED.

- (A) The document consisting of text, maps and charts entitled *Warrick County, Indiana, Comprehensive Plan* and dated 1993, is hereby adopted as the comprehensive plan of
American Legal Publishing Corporation

the county, and is hereby made a part of this code the same as if set forth in full herein.

(B) In order that the comprehensive plan shall at all times be current with the needs of the towns of Elberfeld, Tennyson and Lynnville and Warrick County, and shall represent the best thinking of the County Commissioners, Area Plan Commission, Town Boards, Commissions, and departments of the county and towns in light of changing conditions, the County Commissioners and Town Boards may direct the Area Plan Commission to prepare amendments from time to time to the Comprehensive Plan and recommend to the Town Boards and County Commissioners extensions, changes, or additions to the plan which the Commission considers necessary.

(C) The Comprehensive Plan shall be the policy guide for decision making that affects the physical development of Warrick County (unincorporated areas) and the Towns of Elberfeld, Tennyson and Lynnville.

(BC Res. 1993-7, passed 4-26-93; Am. BC Res. 2009-14, passed 10-19-09)

§ 153.03 AREA PLAN COMMISSION APPROVAL REQUIRED PRIOR TO PUBLIC WORKS CONSTRUCTION.

(A) Prior to the commencement of any public works program listed below in any unincorporated area written approval must be obtained from the County Area Plan Commission.

(1) In order to secure such approval the engineer, surveyor, consulting engineer, or the owner shall submit to the Area Planning Commission complete plans and specifications for the construction of:

- (a) Any public water system.
- (b) Any sanitary storm sewer system.
- (c) Any gas distribution system.
- (d) Any street or highway system.

(2) In any unincorporated area in which the construction of the above is contemplated and by this construction it is necessary to connect to or extend any existing or proposed system lying outside the corporate limits of all towns and cities, the Clerk- Treasurer of the town or city must file the above construction plans with the Area Plan Commission.

(BC Ord. passed 9-6-66)

(B) The Clerk-Treasurer of all towns and cities now participating in the County